

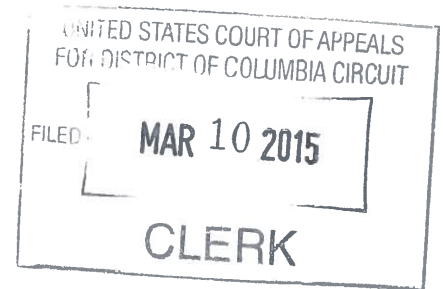
NO. 15-3015

IN THE
UNITED STATES COURT OF APPEALS
OF THE DISTRICT OF COLUMBIA

Rodney Class
Grantor-Creator Petitioner

Vs

UNITED STATES OF AMERICA
TRUSTEE-APELLEE



Case # 1: 13 cr 253
United States District Court
Appeal from the United States District Court
Of the District of Columbia
Chief Judge Richard W. Roberts

CERTIFICATE OF BRIEF FOR APELLEE

Rodney Dale Class as Grantor-Creator Petitioner
Private Attorney General
Private American Citizen
Private American National of a Protected Class of Living Beings
In care of / 432 North Lincoln Street
High Shoals, North Carolina
Federal Postal ZIP 28077
(704) 240 4315

COVER PAGE OF BRIEF

**CERTIFICATES OF INTERESTED PERSONS**

Rodney Dale Class Grantor-Creator Petitioner
Private Attorney General
Private American Citizen
Private American National of a Protected Class of Living Beings
In care of /432 North Lincoln Street
High Shoals, North Carolina
Federal Postal ZIP 28077
Grantor- Appellee

Vs

UNITED STATES OF AMERICA
NO KNOWN ADDRESS
ARITIFICIAL ENTITY/CORPORATION
UNITED STATES ATTORNEYS OFFICE
As Holder As Trustee, Appellant Respondent

Case # 1: 13 cr 253
United States District Court
Appeal from the United States District Court
Of the District of Columbia
Chief Judge Richard W. Roberts

PETITION FOR JUDICIAL REVIEW CASE # 1: 13 cr 253 RWR

Rodney Dale Class as Grantor-Creator Petitioner
Private Attorney General
Private American Citizen
Private American National of a Protected Class of Living Beings
In care of /432 North Lincoln Street
High Shoals, North Carolina
Federal postal zip 28077
(704) 240 4315

3. TABLE OF CONTENTS

	Pages
1. COVER PAGE OF BRIEF	1 above
2. CERTIFICATES OF INTERESTED PERSONS	2 above
3. TABLE OF CONTENTS	3
4. REQUEST FOR EQUITABLE RELIEF	4
5. TABLE OF CITATIONS	5-9
6. STATEMENT OF JURISDICTION	10
7. ISSUES BEFORE THE APPEALS COURT	11
8. INTRODUCTIONS	12
9. STATEMENTS OF THE CASE	13-16
10. ISSUES OF FACTUAL ERRORS ARGUMENT	17-21
11. A) THE PROSECUTION MISLED THE GRAND JURY	17-18
12. B) FIRST ISSUE, A. J. KRAMER: AS A PUBLIC DEFENDER BREACHED FAITHFUL DISCHARGE OF HIS DUTY	19-20
13. C) SECOND ISSUE, A. J. KRAMER: AS A PUBLIC DEFENDER ANOTHER BREACH OF FAITHFUL DISCHARGE OF HIS DUTY	21
14. CONCLUSIONS	22-23
15. CURE AND REMEDY	24
16. CERTIFICATE OF NOTICE	25

4. REQUEST FOR EQUITABLE RELIEF

This accused party comes before the United States Court of Appeals and respectfully requests a hearing on a Second Amendment violation of the District of Columbia's Capitol Hill Police in violation of the District of Columbia Codes, as well as the Federal Regulations pertaining to the rights to carry or carry with a concealed permit or license from any of the 50 States with the right to possess small arms (handgun and/or rifle) or firearm within that 10 mile square of the District of Columbia which includes on any and all property which is not posted, restricted or prohibited of small are or firearms within the 10 mile square or where a party may be just passing through that 10 mile square.

5. TABLE OF CITATIONS

CASE LAW

1. **July 23, 2014 - Palmer vs District of Columbia** new case law upheld that the DC gun ban was unconstitutional for the **third time**. **Heller v. District of Columbia** and **MacDonald v. Chicago** were the first and second case law that defined the DC gun ban as unconstitutional by Supreme Court decisions.
2. **Crawford v. Washington, 541 U.S. 36 (2004)** in all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him.
3. **Howlett v. Rose, 496 U.S. 356 (1990)** Federal Law and Supreme Court Cases apply to State Court Cases
4. **Bond v. United States 564 US 2011** is a decision by the Supreme Court of the United States that individuals, not just states, may have standing to raise Tenth Amendment challenges to a federal law.
5. **Miranda v. Arizona 384 U.S. 436 (1966)** It is stated that the new advisement process will "kill the patient," namely the patient being police agencies across the country, as they now have to make a suspect aware of his rights, provide an attorney, and cover the costs of the attorney if necessary. Furthermore, a failure to follow these rules will result in the deletion of any confession or statement made by a defendant

CONSTITUTION AND BILL OF RIGHTS AND AMENDMENTS

Article IV of the Constitution was to give full faith and credit

Section 1

Full faith and credit shall be given in each state to the public acts, records, and

judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states

And

The 14th Amendment gives equal protection under the laws

No state shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

FEDERAL REGULATIONS

Regulation in 42 section 1981 equal protection under the law

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Regulation in 42 sections 1983 - Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

IRS REGULATION 26 SECTIONS 5845

(a) Firearm

The term "firearm" means

- (1) A shotgun having a barrel or barrels of less than 18 inches in length;
- (2) A weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length;
- (3) A rifle having a barrel or barrels of less than 16 inches in length;
- (4) A weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length;
- (5) Any other weapon, as defined in subsection (e);
- (6) A machinegun;
- (7) Any silencer (as defined in section 921 of title 18, United States Code);

(e) Any other weapon

The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a

pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition

ATF REGULATION 27 SECTION 479.11

Firearm. (a) A shotgun having a barrel or barrels of less than 18 inches in length; (b) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (c) a rifle having a barrel or barrels of less than 16 inches in length; (d) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (e) any other weapon, as defined in this subpart; (f) a machine gun; (g) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (h) a destructive device. The term shall not include an antique firearm or any device (other than a machine gun or destructive device) which, although designed as a weapon, the Director finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon. For purposes of this definition, the length of the barrel having an integral chamber(s) on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breech block when closed and when the shotgun or rifle is cocked. The overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the centerline of the bore.

CONGRESSIONAL ACTS, ETC. UNDER STATUTES AT LARGE

1902 Dick Act

National Firearms Act of 1934

1968 Gun Control Act

Firearm Owner Protection Act 1986

Firearm Owner Protection Act 1996

TREATIES ADGREED TO BY THE UNITED STATES**THE GENEVA CONVENTIONS**

A-6. Defense of Self and Patients under Care a. Protected personnel are- (1)
Authorized to be armed with only individual small arms. (Army Regulation 71-32
provides the doctrine that governs what types of small arms medical personnel are
authorized (limited to pistols or rifles, or authorized substitute)

6. STATEMENT OF JURISDICTION

Jurisdiction of this Court is invoked under Section 1291, Title 28, United States Code, as an appeal from a final judgment of conviction and sentence in the United States District Court for the (name of court). Notice of appeal was timely filed in accordance with Rule 4(b) of the Federal Rules of Appellate Procedure.

This case Number 1:13 cr 253 RWR is brought before the United States Court of Appeals by this living party known as Rodney Dale Class as the grantor-creator (and hereinafter the accused party) to have this case reviewed by a judicial review hearing or by oral hearing.

7. ISSUES BEFORE THE APPEALS COURT

Issue One: whether In any Civil or Criminal complaint can a statute be used as a “corpus delicti” when the Supreme Court has ruled that the charging statute is unconstitutional or constitutional?

Issue Two: whether the ruling of the District of Columbia gun ban as unconstitutional applies to the whole 10 mile square of the District of Columbia when there are no warning signs posting restrictions or prohibitions of firearms in these areas.

Issue Three: whether A physically disabled Citizen with a carry conceal permit or without a carry permit from another State comes into the District of Columbia are they afforded the same equal protection by the Americans with Disabilities Act Amendments Act of 1990 (section 504) (“ADAAA”) and the Rehabilitation Act 1973 (Title VII section 504) and under Article IV, section 1 and 2, and the 14th Amendment section 1, and as found in Federal Regulation 42, section 1981 Equal protection under the law to possess a hand gun and or a rifle within the 10 mile Square of the District of Columbia or if they are just passing thru the District of Columbia.

Issue Four: whether when small arms (pistol and/or rifle) are locked up and secured inside of a Automobile, Pick Up Truck, a SUV (jeep) or RV and the owner of the vehicle has a carry concealed permit or does not have a permit from another State does this still not constitute constitutionally protected rights of the Second Amendment and to the right of self-defense while in the 10 mile square or just passing through the 10 mile square.

Issue Five: whether the filings of a Defendant's paperwork into their own Court case can be denied when the court has ordered the Public Defender's Office to file the Defendant's court filings for them which the Public Defender's Office has refused to do, does this not constitute due process violations and constitutional contempt upon the Public Defender's Office and a breach of duty under the Rules of Ethics of fairness?

8. INTRODUCTION OF CASE

On or about May 30, 2013 this accused party entered the 10-mile square of the District of Columbia in his Jeep to file Congressional documents before the House and Senate Committee on the Judiciary. The accused party is required to walk through two metal detectors one in the House of Representatives and the other being in the Senate Building. While the accused party was in the Congressional building the Capitol Hill Police surrounded and taped off an area around the accused's Jeep as a crime scene area.

After leaving the Senate building the accused party approached the area to his Jeep to be stopped by Capitol Hill Police to have his keys taken and to be handcuffed and then placed in the back seat of a Capitol Hill Police cruiser at which time Capitol Hill Police asked if they could search the Jeep. The accused party asked if they had warrant. The Capitol Hill Police replied that they did not have a warrant at that time.

At which point the Capitol Hill Police then inquired if there were any firearms in the Jeep. They were informed that no such items were in the Jeep, however the accused party did possess a carry concealed permit from North Carolina for a handgun and a rifle that was inside the Jeep. At that point the Jeep was being searched and the accused party was interrogated for approximately an hour out on the Street and was then taken down to the station and interrogated again by Federal Marshals, the FBI and unknown other federal agency personnel for approximately 3 more hours. The accused party was then told he was under "arrest" and was then "finally" read his Miranda rights all "after the fact" of the previous detention, interrogation and then placed in jail.

9. STATEMENTS OF THE CASE

NATURE OF THE CASE

The accused party was charged for having firearms in the District of Columbia and on Capitol Hill Grounds on May 30, 2013, then on October 26, 2014 a new indictment superseded the old charges and reduced the charges to just one charge of only having a firearm on Capitol Hill Grounds.

Statements of the Facts

The accused party was given a Public Defender named A. J. Kramer from the Federal Public Defender's Office to assist him in his defense. The accused party explained to A. J. Kramer the Errors of the Capitol Hill Police on their failure to read him his rights first before questioning the accused. The accused party also informed Mr. Kramer of his (the accused's) working knowledge of and research in the laws.

The accused party also informed Mr. Kramer of going before the First Grand Jury and explaining to the Grand Jury of having a carry conceal permit from North Carolina and how they (the Grand Jury) were misinformed on the implications of the Heller case. The Prosecutor told to Grand Jury they only have one decision to decide, "did I (the Defendant) have firearms in the District of Columbia and on Capitol Hill grounds"? The Prosecutor knew that he was misleading the Grand Jury by the way he was manipulating and misstating the decision/question the Grand Jury "had" to make/decide!

The accused party had several status hearings in which Mr. Kramer of the Public Defender's Office did not put up a defense. This accused party, after about the third or fourth status hearing, requested that he be allowed to file into his own case, as Mr.

Kramer was not addressing any discernible defense issues pursuant to regulations under Rule 12 of the Criminal Procedures rules.

Judge Kessler stated and granted that the accused party would be allowed to file into his own defense and that the accused party was required to know the court rules. Mr. Kramer would be “standby” counsel and not counsel. However, after the court began receiving filings from this accused party at the next status hearing the accused party was informed that all filings would go through Mr. Kramer of the Public Defender's Office and then into the Court!

The accused party presented Mr. Kramer with filings to place into the court on behalf of the accused party, but Mr. Kramer refused to file any documentation on behalf of this accused party, despite the Court Order that he was required to file the accused's paperwork.

The accused was then forced to file a motion for an Entry of Appearance as a third party intervener in order to get his filings on/in the court record and on the docket sheet!

At a status hearing the accused party asked Judge Kessler who was the “corpus delicti” as he wanted to know who was the injured party in this action. Judge Kessler’s response was that “the Statutes where the injured party.” At that point the accused party “then proceeded to explain the statutory violations of the prosecution under their rules of court with the accused making a number of issues such as Procedural Errors and Violations. Judge Kessler then left the courtroom without properly closing the court's proceedings for that day!

The accused party stood in front of Judge Kessler at another status hearing and proceeded to show errors of the prosecution in the court rules of evidence and pointed out their regulations of 28 section 2255 of constitutional violations and statutory violations as grounds for dismissal. The accused party also pointed out Article IV, sections 1 and 2 as well as the 14th Amendment, section 1 equal protection under the law. Judge Kessler then asked the prosecutor if he was able to rebut any of the accused's statements. The prosecutor refused to respond at which point Judge Kessler then left the court, again without properly closing the court, and **never returned as presiding judge** in this case!

The next status hearing was before Judge Richard W. Roberts at which point the accused reminded Judge Roberts that Judge Frederick Scullin, Jr. (a judge under Roberts' supervision) wrote in his July 2014 ruling in **Palmer v. District of Columbia** that the right to bear arms extends outside the home, therefore gun control laws in the nation's capital are "unconstitutional." From about, July 25, 2014 because the DC Codes and laws were found to be "unconstitutional" and due to the fact that the accused already had a carry concealed permit from North Carolina then why was this case continuing against the accused. The accused also pointed out the Second Amendment right and other statutory issues to have this case dismissed. Judge Roberts then left the court without properly closing the court for that day!

The Prosecution then requested a Second "**Secret**" (from the accused and the Public) Grand Jury on or about October 24, 2014 to dismiss the DC firearm charge and the Capitol Hill charge and reinstate only the charge concerning the Capitol Hill grounds to supersede the previous two charges.

The accused party has filed a number of documents estimated to be about 75 to 80 filings into the court on his case as a third party intervener to address violations of the Prosecution. These filings have been recorded on the docket sheet of the United States District Court for the District of Columbia **but have NOT been allowed to be part of the public record.**

Both Judge Kessler and Judge Roberts denied any court filings from the accused party on the grounds of failure to file for leave of court fully knowing that Mr. Kramer would not file any of the court filings on behalf of this accused party. This assured that all filings of the accused would be denied for failure to file for leave of court which **denied** an affirmative defense to a Second Amendment gun case and **denied** “due process and equal protection under the law.” These actions have now created “**constitutional contempt**” and due process violations including violations of the Taft-Hartley Act of 1947 of running a closed Union Shop for Bar Members only.

The Courts are aware that the two parties (Prosecutor and Defense Lawyer) in a courtroom belong to the same Union Association Membership cannot be in conflict with each other as they were trained under the same theory and concept of opinions thereby creating and setting up a “Solidarity System” under a Union Association Membership instead of an “adversarial system” under the Constitution.

10. ISSUES OF FACTUAL ERRORS ARGUMENT

11. A. THE PROSECUTION MISLED THE GRAND JURY

1. The Prosecution misled the Grand Jury on many issues in the First Grand Jury hearing as well and the Second **Secret** Grand Jury Hearing.
2. In the First Grand Jury hearing the Prosecutor misled the Grand jury to believe that the DC gun laws were valid even though the Supreme Court upheld the Second Amendment right in Heller v. DC, and McDonald v. Chicago and in doing so had declared the DC firearm laws as unconstitutional.
3. In the Second Grand Jury hearing the Prosecution failed to disclose that the Capitol Hill grounds sit within the same 10-mile square as the District of Columbia a/k/a Washington, DC!
4. The Prosecution failed to disclose that the Capitol Hill grounds **were required to be posted under federal regulations** in order to warn the public not to have any firearms or weapons on the Capitol Hill grounds or property.
 - a) Purported in Regulation 18 section 930 **(h)** Notice of the provisions of subsections (a) and (b) **shall be posted conspicuously at each public entrance to each Federal facility**, and notice of subsection (e) **shall be posted conspicuously at each public entrance to each Federal court facility**, and **no person shall be convicted of an offense under subsection (a) or (e) with respect to a Federal facility if such notice is not so posted at such facility**, unless such person had actual notice of subsection (a) or (e), as the case may be.

5. The Prosecution also willfully Misled and Failed to inform the Grand Jury that the DC gun codes were overturned and declared to be unconstitutional by two Supreme Court decisions!

And,

The Prosecutor falsely misrepresented the following statement to the grand jury.

6. The Prosecutor told the Grand Jury “the accused party had Firearms and had failed to pay taxes on these firearms.”

a) When the accused party was in possession of small arms (2 handguns and a rifle), which are by **lawful definition and** regulations **NOT** firearms under ATF or IRS regulations or under the following congressional acts the National Firearm Act of 1934, 1968 Gun Control Act, or the Firearm Owner Protection Act of 1986 and 1996 and the 1902 Dick Act, **he was not in any violation!**

7. The accused party was represented by the Prosecution as Knowingly and Unlawfully Carrying and Having Readily accessible a Firearm on Capitol Grounds.

a) The accused party **at no time carried or possessed or had access to any small arms or firearm as defined in any statute (the National Firearm Act of 1934, 1968 Gun Control Act, or the Firearm Owner Protection Act of 1986 and 1996, and the 1902 Dick Act) on Capitol Hill grounds** as they were locked up in the Jeep and the DC Capitol Hill police took possession of the Jeep by taping it off, thereby taking possession of the Jeep and then stopping the accused party thereby taking possession of the Jeep's keys AND THEN arresting the accused party some 20 or more feet AWAY from the Jeep **! At no time was the accused, himself, witnessed by the Capitol Hill Police to be in possession of any small arms or firearms (see above) !**

12. B. FIRST ISSUE, MR. A. J. KRAMER: AS A PUBLIC DEFENDER WHO BREACHED FAITHFUL DISCHARGE OF HIS DUTY

8. A. J. KRAMER breached his duty as a Public Defender to the accused party by failing to discharge his duty faithfully.

9. The following topic was discussed as a defense with Mr. A. J. KRAMER in his office in front of witness and these issues were refused by that office as an affirmative defense on behalf of the accused party.

10. Court Rules under Criminal Rule 12 requires a rebuttal of all charges for appeals.

a) Nothing was filed on behalf of the accused party by A. J. KRAMER

11. The Public Defender's Office was aware of the **Heller v. District of Columbia** and **McDonald v. Chicago** decisions that declared the DC gun ban unconstitutional and now with the **Palmer v. District of Columbia** decision again stating the DC gun ban is unconstitutional A. J. Kramer should have used this a defense and he did not!

A) The Public Defender's Office was also aware that the Capitol Hill grounds was required by federal regulation to be posted with warning signs.

B) The Public Defender's office was also aware that the accused party did not have in his procession or access to any of the guns as the DC Capitol police took procession of the Jeep by taping the area around the Jeep and took procession of the accused party's keys at time of arrest. This barred the accused party from entering the restricted area around the Jeep.

C) The regulation of the term of firearm as defined in the IRS and ATF regulations and the Congressional Acts of Congress under gun control acts.

D) The Miranda warning was not given until 4 hours after the fact.

- E) There was **NO** injured party.
- F) The accused party did have a North Carolina permit for carry concealed.
- G) Article IV of the Constitution was to afford and give full faith and credit.

Section 1

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states

And

- H) The 14th Amendment gives equal protection under the laws

No state shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

12. As Purported in Title 42, section 1981 equal protection under the law

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

**13. C. SECOND ISSUE, A. J. KRAMER: AS A PUBLIC DEFENDER ANOTHER
BREACH OF FAITHFUL DISCHARGE OF HIS DUTY**

The accused party was told by the Court that all court filings were to be filed through Mr. A. J. Kramer of the Public Defender's Office on behalf of the accused party.

- a) Mr. A. J. Kramer breached his duty by refusing to file any court filing on behalf of the accused party in violation of the court requiring him to file for the accused party.
- b) The accused party placed many filing in as a defense to the above topic to have them denied by Mr. A. J. Kramer in violation of Criminal Rule 12 as a rebuttal to the allegation.
- c) The accused party was forced to file as a third party intervener into the case # 1:13 cr 253 RWR because Mr. A. J. Kramer refused to follow court orders to file on behalf of the accused party.
- d) Mr. A. J. Kramer was aware that by failing to follow court orders the accused party would be denied by the court for failure to get leave of court.
- e) The accused party has over 75 documents filed into case # 1:13 cr 253 RWR as required under regulation of Rule 12 rebutting all allegations of the Prosecution.

14. CONCLUSIONS

These issues before The United States Court of Appeals are simple issues.

Whereas there have been Three Supreme Court decisions on the right to carry within the District of Columbia, being **Heller v. District of Columbia**, **McDonald v. Chicago** and, now, **Palmer v. District of Columbia** has declared the District of Columbia gun law unconstitutional for a third time.

Now comes the issue: do these case law decisions apply to the whole 10 mile square of the District of Columbia whenever there are no signs posted or warnings to the public of “restricted” areas?

Can a citizen from any of the 50 States with a carry-concealed permit whether just passing through the District of Columbia or stopping to do business within the 10 mile square of the District of Columbia be afforded the same equal protection of these Three Supreme Court decisions?

Is a Citizen with a physical disability, under the Americans with Disabilities Act, afforded the same equal protection of the Second Amendment right with or without a carry concealed permit when they enter the 10 mile square of the District of Columbia whether they were just passing through or stopping to take care business while they are there in the district of Columbia from these Three Supreme Court decisions?

Can an unconstitutional statute be used as a “corpus delicti” in order to charge a Citizen for a crime when that same statute has been ruled to be unconstitutional?

Can the accused be denied due process of law when their Defense Lawyer has been ordered by the Court to file the accused's court filing but fails or refuses to file them because it becomes a conflict with the Defense Lawyer's theory, concept and opinion of

their obligation to Union Association Membership beliefs in relation to that of the
“Natural law” under Article III, section 2, and Article VI ??? under The Constitution for
The United States of America and that of International Treaties to which the Courts are
bound ?

Does that not become **“Constitutional Contempt”** and **Due Process violations**
on the part of the Defense Lawyer to the Natural Laws of this Nation, the Constitution
and also a violation of International Law ?

The Geneva Conventions is International Treaty Law and Army Regulations
are Congressional legislation under an International Treaty that defines pistol and
rifle as small arms and by lawful definition are Not “firearms” is this not true?

A-6. Defense of Self and Patients under Care a. Protected personnel are- (1)
Authorized to be armed with only individual small arms. (Army Regulation 71-32
provides the doctrine that governs what types of small arms medical personnel are
authorized (limited to pistols or rifles, or authorized substitute).



15. Cure and Remedy

From the “**Treatise on Suits in Chancery**,” Henry R. Gibson, 1907, 2nd Edition

*Setting Forth the Principles, Pleadings, Practice, Proofs and Processes of The
Jurisprudence of Equity*

§ 8. The Divine Law of Justice the Rule of Decision.—The statement, often made, that the Court of Chancery was established to mitigate the rigor of the common law, and to supply its defects, is not wholly true.⁴⁸ This Court was established to do justice, regardless of any and all law. The King deemed it a duty imposed upon his conscience, both by his oath and by religion, to "decree justice," and in decreeing justice he deemed himself bound rather by the Divine Law than by human law, ⁴⁹ and, when the Chancellor acted in his stead, he based his decisions, not upon the law of the land, but upon honesty, equity and conscience, for so was he commanded to do in exercising the King's pre- rogative of Grace.⁵⁰ In short, the Chancery Court was established rather as a Court based on the precepts of *Religion* than as a Court based on the rules of *Law*.⁵¹ It is unquestionably true that the harshness of the common law, its unfitness to cope with fraud, its incapacity to do justice in many cases, the defects in its remedies, the opportunities it gave the strong to oppress the weak, and its general inadequacy to meet the requirements of equity, greatly contributed to perpetuate the existence of the Chancery Court, and to enlarge and justify its jurisdiction. Nevertheless, the vital principle from which the Court sprung was the prerogative doctrine that the King was the "fountain of justice;" and that, when a citizen could not get justice in the ordinary Courts, he might come to this fountain.⁵² The King, in administering justice in such cases, deemed himself above all the laws and customs of his realm, and bound only by his conscience and his will. As it was not a matter of right in a citizen to draw on this reserve source of justice, when remedy was given it was deemed “granted” as of Grace.



15. Certificate of Notice

Certificate of Notice

Let this server as a Certificate of Notice to the UNITED STATES OF AMERICA as an Artificial Entity / Corporation and to the *Trustees of the UNITED STATES ATTORNEY OFFICE that on this date 2015 AD in the year of our Lord on this Month **March** and the day of **10th** to be placed on record and to be recorded in the Clerk of Appeal Circuit Court Office this **CERTIFICATE OF BRIEF FOR APELLEE**

*Trustee, Appellant Respondent

United States Attorney's Office
555 4th Street, NW
Washington, DC 20530

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001